

ASSEMBLY BILL

No. 1292

Introduced by Assembly Member Evans

February 22, 2005

An act to amend Section 52853 of, and to add Sections 17070.756, 17584.4, and 52854 to, the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1292, as introduced, Evans. School facilities: air quality.

Existing law requires schoolsite councils, at schools participating in school-based program coordination, to develop a school plan including specified components.

This bill would require schoolsite councils to include in their school plans guidelines for the improvement of indoor air quality. This bill would require that the guidelines describe the actions that district staff, teachers, and schoolsite staff plan to take to assure good indoor air quality. This bill would require that, once approved by the school district's governing board, the guidelines be distributed to all teachers at the schoolsite and to members of the public upon request.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund and to deposit an amount equal to 3% of the school district's general fund,

including other financing uses, into the account for maintenance of school facilities.

This bill would require school districts, as a condition to using funds in the restricted accounts, to ensure that school facilities have heating, ventilation and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization for the implementation and maintenance of heating, ventilation and air-conditioning systems.

Existing law authorizes the governing board of a school district to establish a restricted deferred maintenance fund, provides for the deposit of prescribed local funds, and provides for the deposit of matching state funds. Existing law requires the State Allocation Board to apportion to school districts the state matching funds for deferred maintenance, and establishes the maximum required local deferred maintenance budget.

This bill would require school districts, as a condition to using funds in the restricted deferred maintenance funds, to ensure that school facilities have heating, ventilation and air-conditioning systems that meet the minimum requirements of regulations enacted by the Division of Industrial Safety that govern the quality of air provided to employees in places of employment. This bill would require school districts to use contractors who have been certified by a nationally recognized organization for the implementation and maintenance of heating, ventilation and air-conditioning systems.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52853 of the Education Code is
- 2 amended to read:
- 3 52853. (a) The schoolsite council shall develop a school plan
- 4 which shall include all of the following:
- 5 (1) Curricula, instructional strategies and materials responsive
- 6 to the individual needs and learning styles of each pupil.
- 7 (2) Instructional and auxiliary services to meet the special
- 8 needs of non-English-speaking or limited-English-speaking

1 pupils, including instruction in a language these pupils
2 understand; educationally disadvantaged pupils; gifted and
3 talented pupils; and pupils with exceptional needs.

4 (3) A staff development program for teachers, other school
5 personnel, paraprofessionals, and volunteers, including those
6 participating in special programs. Staff development programs
7 may include the use of program guidelines that have been
8 developed by the superintendent for specific learning disabilities,
9 including dyslexia, and other related disorders. The strategies
10 included in the guidelines and instructional materials that focus
11 on successful approaches for working with pupils who have been
12 prenatally substance exposed, as well as other at-risk pupils, may
13 also be provided to teachers.

14 (4) Ongoing evaluation of the educational program of the
15 school.

16 (5) Other activities and objectives as established by the
17 council.

18 (6) The proposed expenditures of funds available to the school
19 through the programs described in Section 52851. For purposes
20 of this subdivision, proposed expenditures of funds available to
21 the school through the programs described in Section 52851 shall
22 include, but not be limited to, salaries and staff benefits for
23 persons providing services for those programs.

24 (7) The proposed expenditure of funds available to the school
25 through the federal Improving America's Schools Act of 1994
26 (IASA) (20 U.S.C. Sec. 6301 et seq.) and its amendments. If the
27 school operates a state-approved schoolwide program pursuant to
28 Section 6314 of Title 20 of the United States Code in a manner
29 consistent with the expenditure of funds available to the school
30 pursuant to Section 52851, employees of the schoolwide program
31 may be deemed funded by a single cost objective.

32 (8) *Guidelines, adopted by January 1, 2007, and each year*
33 *thereafter, that describe the actions that district staff, teachers,*
34 *and schoolsite staff plan to take to ensure good indoor air quality*
35 *that meets the minimum requirements of indoor air quality*
36 *regulations enacted pursuant to Section 142.3 of the Labor Code.*

37 (b) The schoolsite council shall annually review the school
38 plan, establish a new budget, and if necessary, make other
39 modifications in the plan to reflect changing needs and priorities.

SEC. 2. Section 17070.756 is added to the Education Code, to read:

17070.756. (a) To utilize funds in the restricted account established pursuant to Section 17070.75, a school district shall ensure that facilities, including, but not limited to, classrooms for pupils, have heating, ventilation and air-conditioning (HVAC) systems that meet the minimum requirements of indoor air quality regulations enacted pursuant to Section 142.3 of the Labor Code, in order to prevent pupils from being exposed to poor indoor air quality conditions.

(b) In carrying out the requirements of subdivision (a), a school district shall utilize contractors that have been certified in providing for the inspection, maintenance, and repair of HVAC systems by a nationally recognized organization.

SEC. 3. Section 17584.4 is added to the Education Code, to read:

17584.4. (a) To utilize funds appropriated pursuant to Section 17584, a school district shall ensure that facilities, including, but not limited to, classrooms for pupils, have heating, ventilation and air-conditioning (HVAC) systems that meet the minimum requirements of indoor air quality regulations enacted pursuant to Section 142.3 of the Labor Code, in order to prevent pupils from being exposed to poor indoor air quality conditions.

(b) In carrying out the requirements of subdivision (a), a school district shall utilize contractors that have been certified in providing for the inspection, maintenance, and repair of HVAC systems by a nationally recognized organization.

SEC. 4. Section 52854 is added to the Education Code, to read:

52854. Upon approval of the guidelines for indoor air quality by the school district's governing board, the guidelines should be distributed to all teachers at the schoolsite. The indoor air quality guidelines shall be made available to any member of the public upon their request.